

Clark, Christina

From: Christopher Fedeli <CFedeli@JUDICIALWATCH.ORG>
Sent: Monday, February 17, 2014 1:03 PM
To: Garn, Jefferson
Cc: Clark, Christina
Subject: RE: Email production

Jeff,

Thanks for the update, I'm well.

I can't agree to March 14 for a production end date. First, I don't understand why you can't narrow the 120,000 emails down to only communications between IED and counties using automated means with proper to / from field search terms. Have you already tried to do so? Regardless, even if there were 120,000 emails between the IED and the counties during the relevant period, a month and a half is longer than it should take you to complete your review. If you have a sufficient review team working for you, a review of that volume of emails should take a week at most. How many responsiveness reviewers do you have assigned to work on this project? Also, I question whether Concordance is the proper tool to use for a review of this size given how long it takes to download documents to the format.

Since you've now had two weeks since the judge's bench ruling, I can't consent to a month. If your review and production is being prioritized properly and conducted efficiently, you should be able to complete it by February 26. If you wish to file for an extension of time for that amount, my consent is contingent upon your including a copy of this email as an attachment to your motion so that the court understands the issues involved. I will have to oppose any extension request to March 15 though.

If you would like to continue discussing this, please answer the questions I posed above in your response. I'm not going to insist that you file your motion for extension today either, and nor will I use it against you if you do not. As you will recall, Judge Baker did say that he did not necessarily want to hear from the parties if the production takes a day or two longer than the deadline.

Thank you.

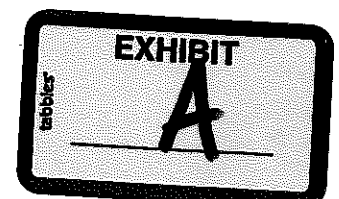
Chris

From: Garn, Jefferson [Jefferson.Garn@atg.in.gov]
Sent: Monday, February 17, 2014 9:06 AM
To: Christopher Fedeli
Cc: Clark, Christina
Subject: Email production

Chris,

I hope all is well. As expected, the discovery search resulted in a massive number of documents retrieved by the Office of Technology. IOT retrieved approximately 120,000 documents. We were able to download about 20,000 of those to Concordance, and that took until about February 10th. We've reviewed about 10,000 now. We put the additional 100,000 documents into a generic Outlook user account so we could start reviewing those documents, as the additional documents could take weeks to download into Concordance. We're going through these documents as quickly as we can. I'll be producing by email today those documents we've tagged as responsive so far, but there are only about 15.

The plaintiffs' search is unduly burdensome. Without waiving this objection, we still anticipate producing these documents, but it will take more time. We'd ask until March 14th to get through these additional documents. In addition,



we will do a batch production on February 28th and also let you know how far we've gotten in our review. I'm hoping we can come to an agreement on this without having to involve Magistrate Judge Baker, as he suggested at our hearing.

Even though it's a holiday and thus our due date is tomorrow, I will be filing the motion for extension of time today. I've copied Christina on this email. Please include her on any reply, as I need to be out of the office this afternoon.

Best regards,

Jeff

Jefferson Garn
Deputy Attorney General
Civil Litigation
302 West Washington St.
IGCS 5th Floor
Indianapolis, IN 46204
317-232-6292 phone
317-232-7979 fax

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.